

inmate exhaust all available administrative remedies regarding the allegations in his complaint prior to bringing suit. *Johnson v. Jones*, 340 F.3d 624, 628 (8th Cir. 2003) (dismissal is required under 1997e(a) if an inmate has failed to exhaust all available administrative remedies *prior* to filing suit). Finally, when multiple prison conditions claims have been joined, the plain language of section 1997e(a) requires that all available prison grievance remedies must be exhausted as to all of the claims. *Graves v. Norris*, 218 F.3d 884, 885 (8th Cir. 2000) (per curiam).

In the instant case, plaintiff cannot circumvent the requirements of section 1997e by alleging that claims disposed of by this court in 1993, in a separate case, dealing with different and separate claims, preclude him from being required to comply with the mandatory exhaustion of administrative remedies required by section 1997e. Plaintiff's complaint should be dismissed, without prejudice, because exhaustion of administrative remedies prior to the initial filing of the complaint is mandatory, pursuant to 42 U.S.C. § 1997e. *Johnson v. Jones*, 340 F.3d at 627-28.

In light of this court's recommendation of dismissal, plaintiff's June 20, 2005, motion to amend such claims to name additional defendants should be denied.

IT IS, THEREFORE, RECOMMENDED that plaintiff's motion to amend be denied [17]. It is further

RECOMMENDED defendants' motion to dismiss be granted and plaintiff's claims be dismissed, without prejudice, pursuant to 42 U.S.C. 1997e, for failure to exhaust administrative remedies [16].

Under 28 U.S.C. § 636(b)(1), the parties may make specific written exceptions to this recommendation within twenty days. If additional time is needed, a motion for an extension of time must be filed within twenty days. The motion should state the reasons for the request. *See Nash v. Black*, 781 F.2d 665, 667 (8th Cir. 1986) (citing *Thomas v. Arn*, 474 U.S. 140 (1985)); *Messimer v. Lockhart*, 702 F.2d 729 (8th Cir. 1983). Failure to make specific written exceptions to this report and recommendation may result in a waiver of the right to appeal.

Dated this 29th day of July, 2005, at Jefferson City, Missouri.

/s/ _____

WILLIAM A. KNOX
United States Magistrate Judge